

EATON ELECTRIC, INC.

CONTRACT NO. V630C-415

VABCA-5463-5464

VA MEDICAL CENTER
NEW YORK, NEW YORK

Peter L. Agovino, Esq., Alvy, Tablante & Agovino, Great Neck, New York, for the Appellant.

Stacey North Willis, Esq., Trial Attorney; ***Charlma O. Jones, Esq.***, Deputy Assistant General Counsel; and ***Phillipa L. Anderson, Esq.***, Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

ORDER DISMISSING APPEAL

1. The above-cited appeals were docketed on December 23, 1997.
2. On February 9, 1998, the Board received a Joint Motion to Dismiss, which recites that the Contracting Officer has stated that the November 18, 1997 letter, which served as the basis for these appeals, was not intended to be a final decision. The Motion further indicates that Appellant's claim will be reviewed and a "valid Contracting Officer's Final Decision on the matter" will be forthcoming. The parties agree that "[u]ntil a valid Contracting Officer's Final Decision has been rendered, the above-referenced appeals are premature."
3. Accordingly, the appeals of Eaton Electric, Inc., VABCA-5463-5464, are hereby Dismissed for Lack of Jurisdiction pursuant to Board Rule 5. This is, of course, without prejudice to the Contractor's right to appeal any adverse decision on the claim now pending before the Contracting Officer.

It Is So Ordered

Date: **February 10, 1998**

Guy H. McMichael III
Chief Administrative Judge